

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DIAGNOSTIC RESOURCE GROUP, L.L.C.	*	
PLAINTIFF	*	Case No.: 02-CV-3020-RDB
VS.	*	(removed from Baltimore County Circuit Court
TOSHIBA AMERICA MEDICAL SYSTEMS, INC.	*	Case #03-C-02-006016)
DEFENDANT	*	

MEMORANDUM TABLE OF CONTENTS

Introduction	1
Special Note	2
Response to Certain Ancillary Points Raised in Defendants' Motion	4
TIME PERIOD OF THE PROMISE TO REPAIR	5
THE DOCUMENTS EXECUTED IN THE COURSE OF THE TRANSACTION SHOW THAT DEFENDANT IS LIABLE	5
Documents Executed Between the Parties with Regard to the Transaction and Installation	5
Documents Executed Between the Parties Relating to the Lease of the Equipment	7
Documents Relating to the Status of the Lease Agreement	9
THE TESTIMONY ADDUCED SHOWS THAT DEFENDANT IS LIABLE	11

Testimony by Kimberly Stehman, Dr. Philip Templeton and Jeffrey Low Relating to the Status of the Equipment and Representations as to the Time the Promise to Fix Would Terminate	11
Course of Dealing	16
TAMS's Own Documentation and Testimony of TAMS' Representatives	18
LEGAL ANALYSIS	22
The One Year Service Plan Was Still in Force on July 5, 1999	22
The Applicable Limitations Period Allows this Case To Be Brought	26
Intentional Interference Claim	31
CONCLUSION	32